

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2007-0751-PWS-E **TCEQ ID:** RN102315470 **CASE NO.:** 33464
RESPONDENT NAME: John Nguyen and Thanh Mai Chau dba Handi Plus 47

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Handi Plus 47, 24930 Aldine Westfield Road, Spring, Harris County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondents have expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on October 1, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Elvia Maske, Enforcement Division, Enforcement Team 6, MC 128, (512) 239-0789; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468 Respondent: Mr. John Nguyen, Owner, Handi Plus 47, 24930 Aldine Westfield Road, Spring, Texas 77373 Ms. Thanh Mai Chau, Owner, Handi Plus 47, 24930 Aldine Westfield Road, Spring, Texas 77373 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: September 6, 2006</p> <p>Date of NOV/NOE Relating to this Case: September 19 and November 17, 2006 (NOE)</p> <p>Background Facts: This was a routine record review. Three violations were documented.</p> <p>WATER</p> <p>1) Failed to secure a sanitary control easement or provide an approved exception to the requirement that covers the land within 150 feet of the water system's well [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)].</p> <p>2) Failed to securely install all water system electrical wiring in compliance with a local or national electrical code [30 TEX. ADMIN. CODE § 290.46(v)].</p> <p>3) Failed to properly protect the well unit with an intruder-resistant, locked, ventilated well house to exclude possible contamination or damage to the Facility by trespassers. Specifically, the well house is a small enclosure built over the well that was not attached to the well sealing block. Although the enclosure has a lock, the entire structure can be lifted off the well [30 TEX. ADMIN. CODE § 290.41(c)(3)(O)].</p>	<p>Total Assessed: \$994</p> <p>Total Deferred: \$198 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$796</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that the Respondents submitted a photograph on December 18, 2006 demonstrating that the electrical wires have been securely placed in a conduit in compliance with local and national electrical code.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondents to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, ensure that the well unit is properly protected with an intruder-resistant, locked, ventilated well house to exclude possible contamination or damage to the facilities by trespassers;</p> <p>b. Within 60 days after the effective date of this Agreed Order:</p> <p>i. Secure a sanitary control easement covering all property within 150 feet of the well location from adjacent landowners and record the deed at the county courthouse; or</p> <p>ii. Request and obtain an exception to the rule requiring a sanitary control easement; and</p> <p>c. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions 2.a. and 2.b.</p>

Additional ID No(s): PWS ID No. 1012929



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision April 26, 2007

TCEQ

DATES	Assigned	12-Mar-2007
	PCW	9-May-2007
	Screening	3-May-2007
	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	John Nguyen and Thanh Mai Chau dba Handi Plus 47		
Reg. Ent. Ref. No.	RN102315470		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	33464	No. of Violations	3	
Docket No.	2007-0751-PWS-E	Order Type	1660	
Media Program(s)	Public Water Supply	Enf. Coordinator	Elvia Maske	
Multi-Media		EC's Team	Enforcement Team 6	
Admin. Penalty \$	Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$850

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 17% Enhancement Subtotals 2, 3, & 7 \$144

Notes Enhancement due to one prior NOV for same or similar violations and six NOVs for different violations.

Culpability No 0% Enhancement Subtotal 4 \$0

Notes The respondents do not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction Subtotal 5 \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	X	(mark with x)

Notes The respondents do not meet the good faith criteria.

Total EB Amounts \$185
Approx. Cost of Compliance \$2,350
0% Enhancement*
*Capped at the Total EB \$ Amount
Subtotal 6 \$0

SUM OF SUBTOTALS 1-7

Final Subtotal \$994

OTHER FACTORS AS JUSTICE MAY REQUIRE

0%

Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount \$994

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$994

DEFERRAL

20%

Reduction Adjustment -\$198

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$796

Screening Date 3-May-2007

Docket No. 2007-0751-PWS-E

PCW

Respondent John Nguyen and Thanh Mai Chau dba Handi Plus 47

Policy Revision 2 (September 2002)

Case ID No. 33464

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN102315470

Media [Statute] Public Water Supply

Enf. Coordinator Elvia Maske

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	6	12%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 17%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement due to one prior NOV for same or similar violations and six NOVs for different violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 17%

Screening Date 3-May-2007

Docket No. 2007-0751-PWS-E

PCW

Respondent John Nguyen and Thanh Mai Chau dba Handi Plus 47

Policy Revision 2 (September 2002)

Case ID No. 33464

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN102315470

Media [Statute] Public Water Supply

Enf. Coordinator Elvia Maske

Violation Number

Rule Cite(s)

30 Tex. Admin. Code § 290.41(c)(1)(F)

Violation Description

Failed to secure a sanitary control easement or provide an approved exception to the requirement that covers the land within 150 feet of the water system's well.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

Matrix Notes

Failure to obtain a sanitary control easement could result in the exposure of customers of the water supply to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="text" value="x"/>

Violation Base Penalty

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent John Nguyen and Thanh Mai Chau dba Handi Plus 47
 Case ID No. 33464
 Reg. Ent. Reference No. RN102315470
 Media Public Water Supply
 Violation No. 1

Percent Interest 5.0
 Years of Depreciation 15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	6-Sep-2006	31-Dec-2007	1.3	\$7	n/a	\$7

Notes for DELAYED costs

Estimated cost to obtain a sanitary control easement or an exception to the rule requirement. Date required is the investigation date and the final date is the projected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$7

Screening Date 3-May-2007

Docket No. 2007-0751-PWS-E

PCW

Respondent John Nguyen and Thanh Mai Chau dba Handi Plus 47

Policy Revision 2 (September 2002)

Case ID No. 33464

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN102315470

Media [Statute] Public Water Supply

Enf. Coordinator Elvia Maske

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.46(v)

Violation Description

Failed to securely install all water system electrical wiring in compliance with a local or national electrical code.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to install all water system electrical wiring in compliance with a local or national electrical code could compromise the system's ability to provide a safe and adequate supply of water and/or result in exposing the customers of the water supply to a significant amount of pollutants which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 2

104 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$500

Two quarterly events are recommended from the date the violation was documented during the September 6, 2006 on-site investigation to the date of compliance (December 18, 2006).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$585

This violation Final Assessed Penalty (adjusted for limits) \$585

Economic Benefit Worksheet

Respondent John Nguyen and Thanh Mai Chau dba Handi Plus 47
 Case ID No. 33464
 Reg. Ent. Reference No. RN102315470
 Media Public Water Supply
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$50	6-Sep-2006	18-Dec-2006	0.3	\$0	\$1	\$1
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$200	6-Sep-2006	18-Dec-2006	0.3	\$0	\$4	\$4
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to hire an electrician to place electrical wires in conduit. Date required is the date of the on-site investigation and the final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$5

Screening Date 3-May-2007

Docket No. 2007-0751-PWS-E

PCW

Respondent John Nguyen and Thanh Mai Chau dba Handi Plus 47

Policy Revision 2 (September 2002)

Case ID No. 33464

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN102315470

Media [Statute] Public Water Supply

Enf. Coordinator Elvia Maske

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(O)

Violation Description Failed to properly protect the well unit with an intruder-resistant, locked, ventilated well house to exclude possible contamination or damage to the Facility by trespassers. Specifically, the well house is a small enclosure built over the well that was not attached to the well sealing block. Although the enclosure has a lock, the entire structure can be lifted off the well.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				10%
	Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Not providing intruder resistant protection for the water wells could expose the public to a significant amount of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 3 239 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$300

Three quarterly events are recommended from the date of the investigation (September 6, 2006) to the date of screening (May 3, 2007).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$173

Violation Final Penalty Total \$351

This violation Final Assessed Penalty (adjusted for limits) \$351

Economic Benefit Worksheet

Respondent John Nguyen and Thanh Mai Chau dba Handi Plus 47
 Case ID No. 33464
 Reg. Ent. Reference No. RN102315470
 Media Public Water Supply
 Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$2,000	6-Sep-2006	1-Dec-2007	1.2	\$8	\$165	\$173
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to provide a proper structure to protect and secure the well. Date required is the date of the investigation and final date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$2,000	TOTAL	\$173
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Compliance History

Customer/Respondent/Owner-Operator:	CN601223548	CHAU, THANH MAI	Classification: AVERAGE	Rating: 0.67
Regulated Entity:	RN102315470	HANDI PLUS 47	Classification: AVERAGE	Site Rating: 0.67
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1012929	
	PETROLEUM STORAGE TANK	REGISTRATION	67136	
	REGISTRATION			
Location:	24930 ALDINE WESTFIELD RD, SPRING, TX, 77373		Rating Date: September 01 06	Repeat Violator: NO
TCEQ Region:	REGION 12 - HOUSTON			
Date Compliance History Prepared:	May 09, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	May 08, 2002 to May 08, 2007			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Elvia Maske Phone: (512) 239-0789

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
 - 1 01/28/2003 (22561)
 - 2 05/05/2004 (399666)
 - 3 07/29/2004 (401110)
 - 4 08/06/2004 (279045)
 - 5 01/28/2005 (401113)
 - 6 05/31/2005 (401114)
 - 7 08/22/2005 (398173)
 - 8 09/20/2006 (511557)
 - 9 03/06/2007 (531215)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 01/28/2003 (22561)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(v)

Description: Failure to install electrical wiring at the well in conduit.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)

Description: Failure to provide a recorded copy of a sanitary control easement for the well or an exception to the rule.

Date: 05/05/2004 (399666)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

Description: FAILURE TO COLLECT ANY ROUTINE MONITORING SAMPLES IN 03/2004.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: FAILURE TO POST A PN FOR NOT COLLECTING ANY ROUTINE

MONITORING SAMPLES IN 03/2004.

Date: 06/28/2004 (279045) Classification: Minor
 Self Report? NO
 Citation: 30 TAC Chapter 115, SubChapter C 115.246(1)
 Description: Failure to maintain a copy of the California Air Resources Board (CARB) Executive Order(s) for the Stage II vapor recovery system and any related components installed at the facility.

Date: 07/29/2004 (401110) Classification: Moderate
 Self Report? NO
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
 Description: FAILURE TO COLLECT ANY ROUTINE MONITORING SAMPLES IN 06/2004.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
 Description: FAILURE TO POST A PN FOR NOT COLLECTING ANY ROUTINE MONITORING SAMPLES IN 06/2004.

Date: 08/06/2004 (279045) Classification: Minor
 Self Report? NO
 Citation: 30 TAC Chapter 115, SubChapter C 115.246(4)
 Description: Failure to maintain proof of attendance and completion of the training specified in §115.248 of this title (relating to Training Requirements), with the documentation of all Stage II training for each employee to be maintained as long as that employee continues to work at the facility.

Date: 01/28/2005 (401113) Classification: Moderate
 Self Report? NO
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
 Description: FAILURE TO COLLECT ANY ROUTINE MONITORING SAMPLES IN 12/2004.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
 Description: FAILURE TO POST A PN FOR NOT COLLECTING ANY ROUTINE MONITORING SAMPLES IN 12/2004.

Date: 05/31/2005 (401114) Classification: Moderate
 Self Report? NO
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
 Description: FAILURE TO COLLECT ANY ROUTINE MONITORING SAMPLES IN 04/2005.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
 Description: FAILURE TO POST A PN FOR NOT COLLECTING ANY ROUTINE MONITORING SAMPLES IN 04/2005.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Compliance History

Customer/Respondent/Owner-Operator:	CN601190655	NGUYEN, JOHN	Classification: AVERAGE	Rating: 0.67
Regulated Entity:	RN102315470	HANDI PLUS 47	Classification: AVERAGE	Site Rating: 0.67
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY PETROLEUM STORAGE TANK REGISTRATION		REGISTRATION REGISTRATION	1012929 67136
Location:	24930 ALDINE WESTFIELD RD, SPRING, TX, 77373		Rating Date: 9/1/2006 Repeat Violator: NO	
TCEQ Region:	REGION 12 - HOUSTON			
Date Compliance History Prepared:	May 09, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	May 08, 2002 to May 08, 2007			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Elvia Maske Phone: (512) 239-0789

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A

B. Any criminal convictions of the state of Texas and the federal government.
N/A

C. Chronic excessive emissions events.
N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 01/28/2003 (22561)
- 2 05/05/2004 (399666)
- 3 07/29/2004 (401110)
- 4 08/06/2004 (279045)
- 5 01/28/2005 (401113)
- 6 05/31/2005 (401114)
- 7 08/22/2005 (398173)
- 8 09/20/2006 (511557)
- 9 03/06/2007 (531215)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 01/28/2003 (22561)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(v)

Description: Failure to install electrical wiring at the well in conduit.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)

Description: Failure to provide a recorded copy of a sanitary control easement for the well or an exception to the rule.

Date: 05/05/2004 (399666)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

Description: FAILURE TO COLLECT ANY ROUTINE MONITORING SAMPLES IN 03/2004.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: FAILURE TO POST A PN FOR NOT COLLECTING ANY ROUTINE

MONITORING SAMPLES IN 03/2004.

Date: 06/28/2004 (279045)

Classification: Minor

Self Report? NO

Citation: 30 TAC Chapter 115, SubChapter C 115.246(1)

Description: Failure to maintain a copy of the California Air Resources Board (CARB) Executive Order(s) for the Stage II vapor recovery system and any related components installed at the facility.

Date: 07/29/2004 (401110)

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

Description: FAILURE TO COLLECT ANY ROUTINE MONITORING SAMPLES IN 06/2004.

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: FAILURE TO POST A PN FOR NOT COLLECTING ANY ROUTINE MONITORING SAMPLES IN 06/2004.

Date: 08/06/2004 (279045)

Classification: Minor

Self Report? NO

Citation: 30 TAC Chapter 115, SubChapter C 115.246(4)

Description: Failure to maintain proof of attendance and completion of the training specified in §115.248 of this title (relating to Training Requirements), with the documentation of all Stage II training for each employee to be maintained as long as that employee continues to work at the facility.

Date: 01/28/2005 (401113)

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

Description: FAILURE TO COLLECT ANY ROUTINE MONITORING SAMPLES IN 12/2004.

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: FAILURE TO POST A PN FOR NOT COLLECTING ANY ROUTINE MONITORING SAMPLES IN 12/2004.

Date: 05/31/2005 (401114)

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

Description: FAILURE TO COLLECT ANY ROUTINE MONITORING SAMPLES IN 04/2005.

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: FAILURE TO POST A PN FOR NOT COLLECTING ANY ROUTINE MONITORING SAMPLES IN 04/2005.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
JOHN NGUYEN AND THANH MAI
CHAU DBA HANDI PLUS 47
RN102315470**

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**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-0751-PWS-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding John Nguyen and Thanh Mai Chau dba Handi Plus 47 ("Mr. Nguyen and Ms. Chau") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and Mr. Nguyen and Ms. Chau appear before the Commission and together stipulate that:

1. Mr. Nguyen and Ms. Chau own and operate a public water supply located at 24930 Aldine Westfield Road in Spring, Harris County, Texas (the "Facility") that has one service connection and serves at least 25 people per day for at least 60 days per year.
2. The Commission and Mr. Nguyen and Ms. Chau agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Nguyen and Ms. Chau are subject to the Commission's jurisdiction.
3. Ms. Chau received notice of the violations alleged in Section II ("Allegations") on or about September 24, 2006 and Mr. Nguyen received notice of the violations on or about November 22, 2006.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Nguyen and Ms. Chau of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

5. An administrative penalty in the amount of Nine Hundred Ninety-Four Dollars (\$994) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Nguyen and Ms. Chau have paid Seven Hundred Ninety-Six Dollars (\$796) of the administrative penalty and One Hundred Ninety-Eight Dollars (\$198) is deferred contingent upon Mr. Nguyen and Ms. Chau's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Mr. Nguyen and Ms. Chau fail to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Mr. Nguyen and Ms. Chau to pay all or part of the deferred penalty.
6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
7. The Executive Director of the TCEQ and Mr. Nguyen and Ms. Chau have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director recognizes that Mr. Nguyen and Ms. Chau submitted a photograph on December 18, 2006 demonstrating that the electrical wires have been securely placed in a conduit in compliance with local and national electrical code.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Mr. Nguyen and Ms. Chau have not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owners and operators of the Facility, Mr. Nguyen and Ms. Chau are alleged to have:

1. Failed to secure a sanitary control easement or provide an approved exception to the requirement that covers the land within 150 feet of the water system's well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F), as documented during an investigation conducted on September 6, 2006.
2. Failed to securely install all water system electrical wiring in compliance with a local or national electrical code, in violation of 30 TEX. ADMIN. CODE § 290.46(v), as documented during an investigation conducted on September 6, 2006.

3. Failed to properly protect the well unit with an intruder-resistant, locked, ventilated well house to exclude possible contamination or damage to the Facility by trespassers, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(O) as documented during an investigation conducted on September 6, 2006. Specifically, the well house is a small enclosure built over the well that was not attached to the well sealing block. Although the enclosure has a lock, the entire structure can be lifted off the well.

III. DENIALS

Mr. Nguyen and Ms. Chau generally deny each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Nguyen and Ms. Chau pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and Mr. Nguyen and Ms. Chau's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: John Nguyen and Thanh Mai Chau dba Handi Plus 47, Docket No. 2007-0751-PWS-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. Mr. Nguyen and Ms. Chau are jointly and severally liable for the violations documented in this Agreed Order, and are jointly and severally liable for timely and satisfactory compliance with all terms and conditions of this Agreed Order.
3. It is further ordered that Mr. Nguyen and Ms. Chau shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, ensure that the well unit is properly protected with an intruder-resistant, locked, ventilated well house to exclude possible contamination or damage to the facilities by trespassers, in accordance with 30 TEX. ADMIN. CODE § 290.41;
 - b. Within 60 days after the effective date of this Agreed Order, either:
 - i. Secure a sanitary control easement covering all property within 150 feet of the well location from adjacent landowners and record the deed at the county courthouse, in accordance with 30 TEX. ADMIN. CODE § 290.41; or

- ii. Request and obtain an exception to the rule requiring a sanitary control easement, in accordance with 30 TEX. ADMIN. CODE § 290.39; and
- c. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a. and 3.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

- 4. The provisions of this Agreed Order shall apply to and be binding upon Mr. Nguyen and Ms. Chau. Mr. Nguyen and Ms. Chau are ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Nguyen and Ms. Chau shall be made in writing to the Executive Director. Extensions are not effective until Mr. Nguyen and Ms. Chau receive written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Nguyen and Ms. Chau in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's


jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Mr. Nguyen and Ms. Chau, or three days after the date on which the Commission mails notice of the Order to Mr. Nguyen and Ms. Chau, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

~~27/30/07~~ 10/9/07
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

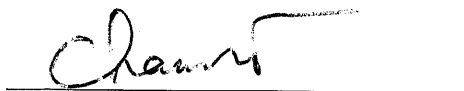
In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

7/30/07
Date

JOHN O'NGUYEN
Name (Printed or typed)
Authorized Representative of
John Nguyen dba Handi Plus 47


Title


Signature

July 30 2007
Date

THANH MAI
Name (Printed or typed)
Authorized Representative of
Thanh Mai Chau dba Handi Plus 47

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV Paragraph 1 of this Agreed Order.

Handwritten text, possibly a date or name.

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